

SCHEDULE 4

Regulation 11

Application to the Crown

Crown application

1. Subject to paragraphs 2 to 5, these Regulations bind the Crown.

Contravention of these Regulations by the Crown

- 2.—(1) If the Crown contravenes a provision of these Regulations—
 - (a) it is not criminally liable under regulation 38, and
 - (b) no proceedings may be taken against it under regulation 42.
- (2) But—
 - (a) on the application of a regulator, the High Court may declare a contravention of these Regulations by the Crown to be unlawful, and
 - (b) these Regulations apply to persons in the public service of the Crown as they apply to other persons.

Entry to Crown premises

- 3.—(1) If the appropriate authority considers that in the interests of national security particular powers of entry must not be used in relation to particular Crown premises it may certify that those powers must not be used in relation to those premises.
- (2) In this paragraph—

“Crown premises” means premises held or used by or on behalf of the Crown;

“power of entry” means a power of entry exercisable under section 108 of the 1995 Act⁽¹⁾, in relation to a function under these Regulations.

Service on certain Crown operators

- 4.—(1) This paragraph applies in relation to a regulated facility controlled or operated by a person acting on behalf of—
 - (a) the Royal Household,
 - (b) the Duchy of Lancaster, or
 - (c) the Duke of Cornwall or other possessor of the Duchy of Cornwall.
- (2) When serving or giving notices or notifications, or instituting proceedings, the following person must be treated as the operator—
 - (a) in relation to sub-paragraph (1)(a), the Keeper of the Privy Purse;
 - (b) in relation to sub-paragraph (1)(b), the person appointed by the Chancellor of the Duchy of Lancaster;
 - (c) in relation to sub-paragraph (1)(c), the person appointed by the Duke of Cornwall or other possessor of the Duchy of Cornwall.

(1) Section 108 was amended by section 55(6) to (9) of the Anti-social Behaviour Act 2003 (c. 38), section 53 of the Clean Neighbourhoods and Environment Act 2005 (c. 16), and paragraph 3(1) to (4) of Part 1 of Schedule 2 to the Protection of Freedoms Act 2012 (c. 9), and by S.I. 2000/1973, 2010/675, 2013/755 (W. 90), 2015/374 and 2016/475. It is prospectively amended by Schedule 3 to the Pollution Prevention and Control Act 1999 (c. 24) from a date to be appointed.

Status: This is the original version (as it was originally made).

Application of this Schedule to certain radioactive substances activities

5.—(1) These Regulations do not bind the Crown in relation to a radioactive substances activity carried on at premises—

- (a) occupied on behalf of the Crown for naval, military or air force purposes or for the purposes of the department of the Secretary of State having responsibility for defence, or
- (b) occupied by or for the purposes of visiting forces.

(2) In this paragraph, “visiting force” has the meaning given in section 12(1) of the Visiting Forces Act 1952(2).

(2) [1952 c. 67](#); section 12 was amended by paragraph 14 of Schedule 15 to the Criminal Justice Act [1988 \(c. 33\)](#).